

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CASE NO.: 1:25-cv-06119

DANA HURSEY,

Plaintiff,

v.

SUSAN MAGRINO AGENCY, INC. D/B/A
MAGRINO PUBLIC RELATIONS,

Defendant.

COMPLAINT FOR COPYRIGHT INFRINGEMENT

(INJUNCTIVE RELIEF DEMANDED)

Plaintiff DANA HURSEY by and through his undersigned counsel, brings this Complaint against Defendant SUSAN MAGRINO AGENCY, INC. D/B/A MAGRINO PUBLIC RELATIONS for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff DANA HURSEY (“Hursey”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Hursey's original copyrighted Works of authorship.

2. Hursey is an award-winning photographer and the owner of Dana Hursey Photography, a Los Angeles based high-end commercial advertising photography studio which provides photography for advertisement agencies and corporations worldwide. Hursey was named one of the top four photographers in the United States and top 200 best advertisement photographers worldwide by Lürzer's International Archive magazine. As such, Hursey is and has been a critical advertising partner for companies to boost their sales. Hursey's photographs capture the vibrant and quirky essence that elevate brands and set them apart from their

competition. Hursey's award-winning commercial career has given him the opportunity to work with a broad range of clientele and a wide range of subject matter. Over the years, he has taught at Art Center College of Design, University of California, Los Angeles, and other various schools and workshops, and serves on the National Board of Directors for American Photographic Artists.

3. Defendant SUSAN MAGRINO AGENCY, INC D/B/A MAGRINO PUBLIC RELATIONS (“Defendant”) is a public relations firm with over 30 years of media relations experience in brand development, social media strategy, content creation, creator relations, experiential design and events, and media relations. Defendant is a full-service public relations, marketing and communications firm for leading brands and companies such as Martha Stewart, Bank of America Private Bank, Wegmans, Constellation Brands, Pernod Ricard, Omni Hotels & Resorts, The Ritz-Carlton Hotels, Christie’s International Real Estate Group – New York City, illy, Cuisinart, and California Closets. At all times relevant herein, Defendant owned and operated the internet webpage located at the URL <https://www.magrinopr.com/pr-case-studies/consumer-home-design/martha-stewart/> (“Website”).

4. Hursey alleges that Defendant copied Hursey’s copyrighted works from the internet in order to advertise, market and promote Defendant’s business activities.

JURISDICTION AND VENUE

5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

7. Defendant is subject to personal jurisdiction in New York.

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendant engaged in

infringement in this district, Defendant resides in this district, and Defendant is subject to personal jurisdiction in this district.

DEFENDANT

9. Defendant is a New York corporation with its principal place of business at 352 Park Avenue S, 6th Floor, New York, New York, 10010, and can be served by serving its registered agent, Corporation Service Company, at 4 Central Avenue, Albany, NY 12210.

THE COPYRIGHTED WORKS

10. In 2021, Hursey created the custom artworks entitled “DH_617-0647”, “DH_617-0639”, and “DH_617-0229” for BIC’s marketing campaign, which are shown below and referred to herein as the “Works.”

DH 617-0647



DH 617-0639



DH 617-0229



11. Hursey registered the Works with the Register of Copyrights on March 5, 2021 as part of a registration for a group of photographs titled “617.” The file names for the Works as

submitted in the registration are “DH_617-0647”, “DH_617-0639”, and “DH_617-0229.” The Works were assigned registration number VAu 1-422-442. The true and accurate copy of the Certificate of Registration is attached hereto as **Exhibit 1**.

12. At all relevant times, Hursey was the owner of the copyrighted Works.

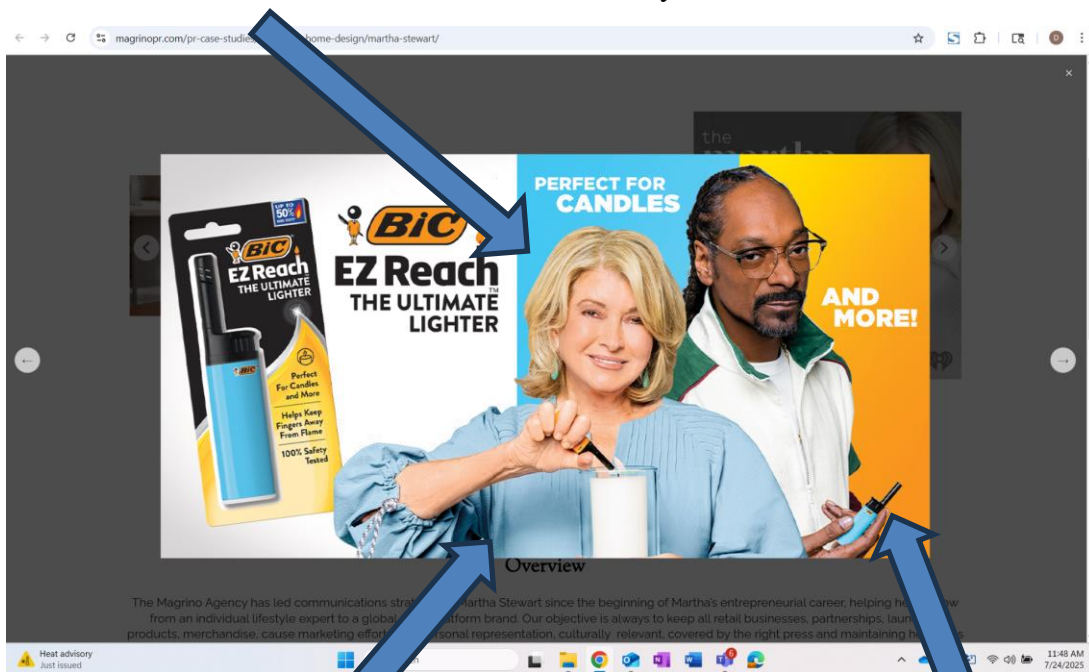
INFRINGEMENT BY DEFENDANT

13. Defendant has never been licensed to use the Works for any purpose.

14. On a date after the Works were created, but prior to the filing of this action, Defendant copied the Works. Defendant committed copyright infringement of the Works as shown below and evidenced by the documents attached hereto as **Exhibit 2**.

Defendant’s Infringement

Martha Stewart’s head from Hursey’s Work: DH_617-0639



Martha Stewart’s Body from Hursey’s Work: DH_617-0647

Snoop Dogg from Hursey’s Work: DH_617-0229

15. On or about November 25, 2024, Hursey discovered the unauthorized use of his Works on Defendant's Website. Hursey's Works are misleadingly displayed on Defendant's Website as part of a case study that implies Hursey's Works were produced for Martha Stewart by or through Defendant. In fact, Hursey confirmed that the BIC marketing campaign was run by another media agency, not the Defendant.

16. Defendant copied Hursey's copyrighted Works without Hursey's permission.

17. After Defendant copied the Works, Defendant made further copies and distributed the Works on the internet to advertise, market, and promote Defendant's public relations and marketing services.

18. Defendant copied and distributed Hursey's copyrighted Works in connection with Defendant's business for purposes of advertising and promoting Defendant's business, and in the course and scope of advertising and selling services.

19. Hursey never gave Defendant permission or authority to copy, distribute or display the Works.

20. Hursey notified Defendant of the allegations set forth herein on December 12, 2024, December 30, 2024, February 10, 2025, and April 2, 2025. As of today, Defendant has not removed the Works from Defendant's Website.¹ To date, the parties have failed to resolve this matter.

¹ The Works can be seen at <https://www.magrinopr.com/pr-case-studies/consumer-home-design/martha-stewart/> (last visited July 24, 2025).

COUNT I
DIRECT COPYRIGHT INFRINGEMENT

21. Hursey incorporates the allegations of paragraphs 1 through 20 of this Complaint as if fully set forth herein.

22. Hursey owns a valid copyright in the Works.

23. Hursey registered the Works with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

24. Defendant copied, displayed, and distributed the Works and made derivatives of the Works without Hursey's authorization in violation of 17 U.S.C. § 501.

25. Defendant performed the acts alleged in the course and scope of its business activities.

26. Defendant's acts were willful.

27. Hursey has been damaged.

28. The harm caused to Hursey has been irreparable.

WHEREFORE, Plaintiff DANA HURSEY prays for judgment against Defendant SUSAN MAGRINO AGENCY, INC. D/B/A MAGRINO PUBLIC RELATIONS that:

a. Defendant and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

b. Defendant be required to pay Hursey his actual damages and Defendant's profits attributable to the infringement, or, at Hursey's election, statutory damages, as provided in 17 U.S.C. § 504;

- c. Hursey be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon;
- d. Hursey be awarded pre- and post-judgment interest; and
- e. Hursey be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Hursey hereby demands a trial by jury of all issues so triable.

Dated: July 25, 2025

Respectfully submitted,

/s/ Joseph A. Dunne

JOSEPH A. DUNNE

New York Bar Number: 4831277

joseph.dunne@sriplaw.com

DEBBIE C. YANG

New York Bar Number: 6087050

debbie.yang@sriplaw.com

REBECCA A. KORNHAUSER

New York Bar Number: 6174387

rebecca.kornhauser@sriplaw.com

SRIPLAW, P.A.

41 Madison Avenue, Floor 25

New York, NY 10010

646.787.1082 – Telephone

561.404.4353 – Facsimile

Counsel for Plaintiff Dana Hursey